

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01039-DLF**

ELECTRONIC FRONTIER FOUNDATION v.
DEPARTMENT OF JUSTICE
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 05/31/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC FRONTIER
FOUNDATION**

represented by **David L. Sobel**
LAW OFFICE OF DAVID L. SOBEL
5335 Wisconsin Ave., NW
Suite 640
Washington, DC 20015
(202) 246-6180
Fax: (415) 436-9993
Email: sobel@att.net
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Michael Leon Drezner**
U.S. DEPARTMENT OF JUSTICE
Trial Attorney, Federal Programs Branch
1100 L Street NW
Room 12210
Washington, DC 20005
(202) 514-4505
Fax: (202) 616-8470
Email: Michael.L.Drezner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 05/31/2017 | <u>1</u> | COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-4971529) filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons US Attorney, # <u>4</u> Summons Department of Justice)(Sobel, David) (Entered: 05/31/2017) |
| 05/31/2017 | <u>2</u> | Corporate Disclosure Statement by ELECTRONIC FRONTIER FOUNDATION. (Sobel, David) (Entered: 05/31/2017) |
| 05/31/2017 | | Case Assigned to Judge Christopher R. Cooper. (zsb) (Entered: 05/31/2017) |
| 05/31/2017 | <u>3</u> | SUMMONS (3) Issued Electronically as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 05/31/2017) |
| 06/09/2017 | <u>4</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 6/6/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 6/6/2017. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/6/2017. Answer due for ALL FEDERAL DEFENDANTS by 7/6/2017. (Attachments: # <u>1</u> Affidavit of Mailing and Service)(Sobel, David) Modified on 6/12/2017 to add service |

| | | |
|------------|-----------|--|
| | | dates for US Attorney General and Federal Defendant(zrdj). (Entered: 06/09/2017) |
| 07/06/2017 | <u>5</u> | NOTICE of Appearance by Michael Leon Drezner on behalf of DEPARTMENT OF JUSTICE (Drezner, Michael) (Entered: 07/06/2017) |
| 07/06/2017 | <u>6</u> | ANSWER to Complaint by DEPARTMENT OF JUSTICE.(Drezner, Michael) (Entered: 07/06/2017) |
| 07/06/2017 | | MINUTE ORDER: Before the Court in this FOIA case are <u>1</u> a complaint and <u>6</u> an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by July 21, 2017. Signed by Judge Christopher R. Cooper on 7/6/2017. (lccrc2) (Entered: 07/06/2017) |
| 07/07/2017 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 7/21/2017 (lsj) (Entered: 07/07/2017) |
| 07/20/2017 | <u>7</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE. (Drezner, Michael) (Entered: 07/20/2017) |
| 07/21/2017 | | MINUTE ORDER: In light of <u>7</u> parties' Joint Status Report, it is hereby ORDERED that the summary-judgment briefing schedule shall be established as follows: Defendant shall file its motion for summary judgment on or by September 22, 2017; Plaintiff shall file its cross-motion for summary judgment and opposition on or by October 23, 2017; Defendant shall file its reply and opposition on or by December 1, 2017; and Plaintiff shall file its reply on or by December 15, 2017. Signed by Judge Christopher R. Cooper on 7/21/2017. (lccrc2) (Entered: 07/21/2017) |
| 07/21/2017 | | Set/Reset Deadlines: Defendant's Summary Judgment motion due by 9/22/2017. Plaintiff's Response to Motion for Summary Judgment/Cross Motion due by 10/23/2017. Defendant's Reply to Motion for Summary Judgment due by 12/1/2017. Reply due by 12/15/2017 (hs) (Entered: 07/21/2017) |
| 09/11/2017 | <u>8</u> | Joint MOTION to Vacate Order., <i>Setting Summary Judgment Briefing Schedule</i> by ELECTRONIC FRONTIER FOUNDATION (Sobel, David) (Entered: 09/11/2017) |
| 09/13/2017 | | MINUTE ORDER granting <u>8</u> Motion to Vacate Summary Judgment Briefing Schedule. The Court will vacate the current summary judgment briefing schedule. The parties shall file a joint status report on September 22, 2017 updating the Court on the status of the case. The parties shall file a further status report on October 20, 2017 updating the Court on the status of the case and any proposed production or briefing schedule. Signed by Judge Christopher R. Cooper on 9/13/2017. (lccrc2) (Entered: 09/13/2017) |
| 09/22/2017 | <u>9</u> | Joint STATUS REPORT by ELECTRONIC FRONTIER FOUNDATION. (Sobel, David) (Entered: 09/22/2017) |
| 10/20/2017 | <u>10</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE. (Drezner, Michael) (Entered: 10/20/2017) |
| 10/23/2017 | | MINUTE ORDER: In light of <u>10</u> the parties' Joint Status Report, it is ORDERED that Defendant shall make a first production of non-exempt portions of responsive records by November 30, 2017; a second production by January 4, 2018; a third production by February 1, 2018; and a fourth production, if needed, by March 1, 2018. It is further ORDERED that the parties shall file joint status reports with the Court every 60 days commencing December 19, 2017. Signed by Judge Christopher R. Cooper on 10/23/2017. (lccrc2) (Entered: 10/23/2017) |
| 10/23/2017 | | Set/Reset Deadlines: Joint Status Report due by 12/19/2017 (lsj) (Entered: 10/23/2017) |
| 12/04/2017 | | Case directly reassigned to Judge Dabney L. Friedrich. Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 12/04/2017) |
| 12/19/2017 | <u>11</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE. (Drezner, Michael) (Entered: 12/19/2017) |
| 01/18/2018 | | MINUTE ORDER. It is hereby ORDERED that the parties shall continue to proceed in compliance with the orders and schedule previously set in this case. Signed by Judge Dabney L. Friedrich on January 18, 2018. (MJS) (Entered: 01/18/2018) |

| | | |
|------------|-----------|--|
| 02/20/2018 | <u>12</u> | Joint STATUS REPORT by ELECTRONIC FRONTIER FOUNDATION. (Sobel, David) (Entered: 02/20/2018) |
| 02/21/2018 | | MINUTE ORDER. In light of the parties' <u>12</u> joint status report, it is ORDERED that the parties' proposed briefing schedule is adopted. Defendant shall file a motion for summary judgment on or before April 27, 2018; Plaintiff shall file an opposition and cross-motion for summary judgment on or before May 30, 2018; Defendant shall file a reply and opposition on or before July 2, 2018; and Plaintiff shall file a cross-reply on or before July 30, 2018. Signed by Judge Dabney L. Friedrich on February 21, 2018. (MJS) (Entered: 02/21/2018) |
| 02/22/2018 | | Set/Reset Deadlines: Summary Judgment motions due by 4/27/2018. Cross Motion for summary judgment due by 5/30/2018. Reply and opposition due by 7/2/2018. Cross reply due by 7/30/2018. (jl) (Entered: 02/22/2018) |
| 04/27/2018 | <u>13</u> | MOTION for Summary Judgment by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(Drezner, Michael) (Entered: 04/27/2018) |
| 05/30/2018 | <u>14</u> | Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Declaration of David Sobel, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Statement of Facts, # <u>10</u> Text of Proposed Order)(Sobel, David) (Entered: 05/30/2018) |
| 05/30/2018 | <u>15</u> | Cross MOTION for Summary Judgment by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Declaration of David Sobel, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Statement of Facts, # <u>10</u> Text of Proposed Order)(Sobel, David) (Entered: 05/30/2018) |
| 06/14/2018 | <u>16</u> | Consent MOTION for Extension of Time to <i>File Reply and Opposition</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 06/14/2018) |
| 06/14/2018 | | MINUTE ORDER. Upon consideration of the defendant's <u>16</u> Consent Motion for Extension of Time, it is ORDERED that the motion is GRANTED. The defendant's reply and opposition shall be filed on or before July 13, 2018 and the plaintiff's reply shall be filed on or before August 14, 2018. Signed by Judge Dabney L. Friedrich on June 14, 2018. (MJS) (Entered: 06/14/2018) |
| 06/14/2018 | | Set/Reset Deadlines: Defendant's reply and opposition due by 7/13/2018. Plaintiff's reply due by 8/14/2018. (jl) (Entered: 06/15/2018) |
| 07/13/2018 | <u>17</u> | Consent MOTION for Extension of Time to File Response/Reply by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 07/13/2018) |
| 07/18/2018 | | MINUTE ORDER. Upon consideration of the parties' <u>17</u> Consent Motion for Extension of Time, it is ORDERED that the motion is GRANTED. The defendant shall file its reply and opposition on or before July 20, 2018, and the plaintiff shall file its reply on or before August 21, 2018. Signed by Judge Dabney L. Friedrich on July 18, 2018. (MJS) (Entered: 07/18/2018) |
| 07/18/2018 | | Set/Reset Deadlines: Reply and opposition due by 7/20/2018. Plaintiff's reply due by 8/21/2018. (jl) (Entered: 07/18/2018) |
| 07/20/2018 | <u>18</u> | RESPONSE re <u>15</u> Cross MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1- Declaration of Tracey Riley, # <u>2</u> Exhibit 2- Supplemental Declaration of David Hardy)(Drezner, Michael) (Entered: 07/20/2018) |
| 07/20/2018 | <u>19</u> | REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit 1- Declaration of Tracey Riley, # <u>2</u> Exhibit 2- Supplemental Declaration of David Hardy)(Drezner, Michael) (Entered: 07/20/2018) |
| 08/15/2018 | <u>20</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> Cross MOTION for Summary Judgment by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Text of Proposed Order)(Sobel, David) (Entered: 08/15/2018) |

| | | |
|------------|-----------|--|
| 08/15/2018 | | MINUTE ORDER granting the plaintiff's <u>20</u> consent motion to extend the time for the filing of the plaintiff's reply memorandum by 15 days. It is ORDERED that the plaintiff shall file its reply on or before September 5, 2018. Signed by Judge Dabney L. Friedrich on August 15, 2018. (lcdlf2) (Entered: 08/15/2018) |
| 09/05/2018 | <u>21</u> | REPLY to opposition to motion re <u>15</u> Cross MOTION for Summary Judgment filed by ELECTRONIC FRONTIER FOUNDATION. (Attachments: # <u>1</u> Declaration Supplemental Declaration of David Sobel, # <u>2</u> Exhibit 1 to Supp. Sobel Decl., # <u>3</u> Exhibit 2 to Supp. Sobel Decl., # <u>4</u> Exhibit 3 to Supp. Sobel Decl., # <u>5</u> Exhibit 4 to Supp. Sobel Decl., # <u>6</u> Exhibit 5 to Supp. Sobel Decl.)(Sobel, David) (Entered: 09/05/2018) |
| 03/05/2019 | <u>22</u> | NOTICE OF SUPPLEMENTAL AUTHORITY by ELECTRONIC FRONTIER FOUNDATION (Attachments: # <u>1</u> Exhibit)(Sobel, David) (Entered: 03/05/2019) |
| 03/13/2019 | <u>23</u> | RESPONSE re <u>22</u> to Notice of Supplemental Authority filed by DEPARTMENT OF JUSTICE. (Drezner, Michael); Modified to add link on 3/14/2019 (tth). (Entered: 03/13/2019) |
| 04/17/2019 | <u>24</u> | ORDER granting in part and denying in part the government's <u>13</u> Motion for Summary Judgment, denying the plaintiff's <u>15</u> Cross-Motion for Summary Judgment, and directing the parties to file a joint status report on or before May 3, 2019. See text for details. Signed by Judge Dabney L. Friedrich on April 17, 2019. (lcdlf2) (Entered: 04/17/2019) |
| 04/17/2019 | | Set/Reset Deadlines: Joint Status Report due by 5/3/2019. (mac) (Entered: 04/17/2019) |
| 05/03/2019 | <u>25</u> | Joint STATUS REPORT by DEPARTMENT OF JUSTICE. (Drezner, Michael) (Entered: 05/03/2019) |